

HOUSE No.

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE · BOSTON, MA 02133

KARYN POLITO
LIEUTENANT GOVERNOR

February 12, 2016

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act Making Appropriations for the Fiscal Year 2016 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

This bill consists of routine midyear appropriations for identified deficiencies. The majority of these deficiencies are in three areas: emergency assistance and shelter-diversion costs (\$44 million), representation of indigent defendants (\$40 million), and recognized sheriffs’ deficiencies (\$28 million).

In addition, the legislation proposes funding for the following:

- \$16 million for incremental costs of collective bargaining agreements;
- \$15 million for services provided by the Department of Children and Families;
- \$13 million for legal settlements and judgments;
- \$4 million for Department of Transitional Assistance costs related primarily to complying with federal requirements for the SNAP program;
- \$2 million for the Plymouth District Attorney’s moving costs;

- \$2 million for unanticipated costs of administering MCAS and PARCC tests;
- \$1 million for remaining projected Department of Corrections deficiencies after implementation of a mitigation plan;
- \$870,000 for costs of the Department of Fish and Game, paid out of the Inland Fisheries and Game Fund;
- \$200,000 to hire more Sex Offender Registry Board hearing officers and thereby reduce backlogs in hearings; and
- Other authorizations and technical corrections including authority to spend previously-identified funds for Department of Corrections pharmacy costs, MassHealth transferability, and authorization to direct FEMA funds from last winter's storms to future snow and ice costs.

This legislation would also authorize the Department of Youth Services to provide services to individuals previously served by the Department up until age 22. It also ensures that the Commonwealth complies with the federal Workforce Innovation and Opportunity Act by the federally-imposed deadline of June 30, 2016.

In total, the legislation I am filing includes supplemental funding requests of \$169.5 million (\$165.5 million net). Sufficient revenues are estimated to be available to finance these appropriations.

In addition, I am recommending that two fiscal year 2016 appropriations be continued into fiscal year 2017, in connection with my fiscal year 2017 proposed budget.

Because many of the fiscal year 2016 items require supplemental funding by the end of March, I urge you to enact this legislation promptly.

Respectfully submitted,

Charles D. Baker,
Governor

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

Whereas, The deferred operation of this act would tend to defeat its purpose, which are forthwith to make supplemental appropriations for fiscal year 2016 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2016, the sums set forth in sections 2 to 2C, inclusive, are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2016. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

9 JUDICIARY

10		Committee for Public Counsel Services	
11	0321-1510	Private Counsel Compensation.....	\$39,200,000
12	0321-1520	Indigent Court Costs.....	\$1,100,000
13		PLYMOUTH DISTRICT ATTORNEY	
14		Plymouth District Attorney	
15	0340-0800	Plymouth County DA	\$2,409,170
16		EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS	
17		Department of Fish and Game	
18	2310-0200	Fisheries and Wildlife	\$870,000
19		EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
20		Department of Transitional Assistance	
21	4400-1100	Caseworkers Reserve	\$3,488,689
22		Department of Public Health	
23	4590-0918	SOPS Department of Correction RR	\$4,000,000
24		Department of Children and Families	
25	4800-0015	Clinical Support Services and Operations.....	\$2,686,662
26	4800-0025	Foster Care Review.....	\$144,197

27	4800-0038	Services for Children and Families	\$3,226,463
28	4800-0041	Congregate Care Services	\$8,830,544
29	EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT		
30	Department of Housing and Community Development		
31	7004-0101	Emergency Assistance Family Shelter and Services Program...	\$41,000,000
32	7004-0108	Massachusetts Short Term Housing Transition Program.....	\$2,500,000
33	EXECUTIVE OFFICE OF EDUCATION		
34	Department of Elementary and Secondary Education		
35	7061-9400	Student and School Assessment.....	\$1,800,000
36	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY		
37	Sex Offender Registry Board		
38	8000-0125	Sex Offender Registry Board	\$200,000
39	Department of Correction		
40	8900-0001	Department of Correction Facility.....	\$1,000,000
41	OFFICE OF THE STATE COMPTROLLER		
42	Office of the State Comptroller		
43	1599-3384	Settlements and Judgments.....	\$12,506,260

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2015. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items. These sums shall be made available until June 30, 2016.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary for Administration and Finance

1599-4445 For a reserve to meet the fiscal year 2016 costs of quarter point benefits authorized by collective bargaining agreements with the executive branch and ratified by the general court..... \$ 4,939,821

1599-4447 For a reserve to meet the fiscal year 2016 costs of salary adjustments authorized by collective bargaining agreements with the executive branch that have not yet been ratified by the general court; provided, that no funds shall be expended from this item prior to ratification of the collective bargaining agreements by the general court..... \$11,373,102

1599-8910 For a reserve for identified current year deficiencies documented by the Sheriffs of the Commonwealth..... \$28,234,237

SECTION 2C.I. For the purpose of making available in fiscal year 2017 balances of appropriations which otherwise would revert on June 30, 2016, the unexpended balances of the

appropriations listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 of chapter 46 of the acts of 2015. However, for items which do not appear in section 2 of the general appropriation act, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section 2 or 2A in prior appropriation acts. The sums re-appropriated in this section shall be in addition to any amounts available for said purposes.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary of Health and Human Services

1599-0321 Women's Preventive Health Reserve\$300,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Department of Housing and Community Development

7004-9024 Massachusetts Rental Vouchers.....\$ 14,652,294

SECTION 3. There shall be a FEMA Reimbursements Expendable Trust exclusively for the purpose of accepting, on behalf of the Commonwealth, funds received from the Federal Emergency Management Agency in connection with the 2015 winter storms, intended to reimburse the Commonwealth for storm, disaster or other emergency-related expenditures incurred by the Commonwealth that qualify for reimbursement by the Federal Emergency Management Agency. The trust is established and all trust property shall be used and expended solely to defray costs incurred by the Commonwealth of Massachusetts for response to and recovery from natural and human caused disasters or emergencies, including, but not limited to

the costs of personnel, equipment, supplies, or other assets whether provided by state agencies, purchased, or acquired through agreements with the federal government or other entities; provided further, funds may be expended for the enhancement of the Commonwealth's preparedness, response or recovery capabilities through the acquisition of equipment, supplies, or systems or the preparation of plans; provided further, funds may be expended for payment to the Federal Emergency Management Agency when required as the result of disaster assistance grant management activities. The Comptroller shall deposit funds received by the Commonwealth for the 2015 winter storms from the Federal Emergency Management Agency into this trust.

The secretary of administration and finance or her designee shall administer the trust. The trust shall not be subject to appropriation. The unexpended balance in the trust at the end of a fiscal year and shall not revert and shall be available for expenditure in subsequent years. No expenditure made from the trust shall cause the trust to become deficient at any point.

SECTION 4. Subsection (a) of section 2MMMM of chapter 29 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Amounts credited to the fund shall not be subject to further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

SECTION 5. Section 11 of chapter 61A of the General Laws, as so appearing, is hereby amended by striking out, in lines 10 to 11, inclusive, the words, “, prior to January first of each year,.”

SECTION 6. Said section 11 of said chapter 61A, as so appearing, is hereby further amended by striking out, in line 17, the words “February first” and inserting in place thereof the following words:-April 1.

SECTION 7. Sections 66 to 73, inclusive, of chapter 94 of the General Laws are hereby repealed.

SECTION 8. Sections 303A to 303E, inclusive, of chapter 94 of the General Laws are hereby repealed.

SECTION 9. Section 87CC of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out the last sentence.

SECTION 10. Chapter 120 of the General Laws, as so appearing, is hereby amended by striking out section 16 and inserting in place thereof the following section:-

Section 16. Every person committed to the department until the age of 18 as a delinquent child, if not already discharged, shall be discharged when he reaches his eighteenth birthday. Every person committed to the department until the age of 19 as a delinquent child, if not already discharged, shall be discharged when he reaches his nineteenth birthday. Every person committed to the department until the age of 20 as a delinquent child, if not already discharged, shall be discharged when he reaches his twentieth birthday. Every person committed to the department until the age of 21 as a youthful offender, if not already discharged, shall be discharged when such person reaches his twenty-first birthday. The department may continue to have responsibility for any person provided for in this chapter under 22 years of age for the purposes of specific educational or rehabilitative programs, under conditions agreed upon by both the department and such persons terminable by either. Such services must be offered prior to the person's discharge date as provided herein; however, a person may request and the department shall consider any such request for the services described, for up to 90 days after person's effective date of discharge, even where the person has previously declined services or

130 services were terminated for non-compliance, and may reach agreement with the person,
131 terminable by either, to provide the services described herein until such person attains the age of
132 22.

133 SECTION 11. Section 46 of Chapter 151A of the General Laws, as so appearing, is
134 hereby amended by striking out subsection (c) and inserting in place thereof the following
135 subsection:

136 (c) The department shall disclose, upon request, such information in the following
137 circumstances:

138 (1) to any employer, information concerning the employer's record;

139 (2) to any claimant or to the claimant's authorized agent, information concerning the
140 claimant's own record;

141 (3) to the heads of the departments of career services, transitional assistance, revenue,
142 veterans' services, medical security and industrial accidents, information necessary in the
143 performance of their official duties;

144 (3 ½) to the heads of governmental agencies who are partners in the Workforce
145 Innovation and Opportunity Act, information necessary for the purpose(s) of complying with
146 performance reporting requirements of the Workforce Innovation and Opportunity Act (Public
147 Law 113-128);

148 (4) to probation or parole officers working for a governmental agency, information
149 necessary in the performance of their official duties;

(5) to the Internal Revenue Service of the United States Department of the Treasury,
information necessary for purposes of the administration of federal unemployment taxes.

(6) to the state police, including the state police violent fugitive arrest squad, and local
police departments, identifying and locating information, upon request for the sole purpose of
identifying and locating individuals wanted on default or arrest warrants. Only identifying
information including, but not limited to, name, date of birth, all pertinent addresses, telephone
number and social security number shall be made available to the state police and local police
departments pursuant to this section.

(7) to the commonwealth health insurance connector authority, information under an
interagency agreement for the administration and enforcement of chapter 176Q.

(7 ½) to the executive office of health and human services, information under an
interagency agreement for the administration and enforcement of paragraph (4) of subsection (a)
of section 69 of chapter 118E.

SECTION 12. Item 7010-0060 of section 2 of chapter 165 of the acts of 2014 is hereby
amended by striking out the words “and provided further, funds from this item shall be available
for expenditure through June 30, 2017”, and inserting in place thereof the following words: - ;
provided further, that not less than \$3.2 million shall be expended by the department to provide
school districts with grant funding based on the enrollment of students in grades 6-12, for the
purchase of evidence-based opioid prevention curricula programs and training materials
identified by the Department as being successful in delaying, preventing and reducing opioid use
among youth in middle and high schools; provided further, that funds may be expended from this
item for the purchase of such curricula programs and training materials and for the Department

to conduct training and technical assistance to school districts on developing and implementing opioid prevention programs so identified by the Department; and provided further, funds from this item shall be available for expenditure through June 30, 2018.

SECTION 13. Item 4000-0321 of said section 2 of said chapter 46 is hereby amended by inserting, after the words “state accounting system,” the following words:- provided further, that after providing payments due in accordance with the terms of the contingency contracts, the office may use available funds to support special MassHealth projects that will receive enhanced federal revenue opportunities, including MassHealth eligibility operations and systems enhancements that support reforms and improvements to the MassHealth programs; provided further, that any enhanced federal financial participation received for these special projects, including the Implementation Advanced Planning Document or other eligibility operations and systems enhancement that support reforms and improvements to the MassHealth program shall be deposited into this account;.

SECTION 14. Item 4590-0918 of said section 2 of said chapter 46 is hereby amended by striking out the words “may expend not more than \$14,000,000” and inserting in place thereof the following words:- may expend not more than \$18,000,000.

SECTION 15. Said section 2 of said chapter 46 is hereby amended by striking out item 5046-0005 and inserting in place thereof the following item:

5046-0006 For adult mental health community-based placements; provided, that funds shall be used to expand community-based placements for discharge ready individuals currently in the department’s continuing care facilities; and provided further, that the annualized cost of

193 these placements in fiscal year 2017 shall not exceed the amount appropriated in this item
194 \$4,000,000

195 Community First Trust Fund.... 100%

196 SECTION 16. Item 7004-0101 of said section 2 of said chapter 46 is hereby amended by
197 inserting after the words, “personnel or administrative costs” the following words:- other than
198 the direct costs associated with the coordination and placement of homeless families in hotels
199 and motels used as overflow shelter capacity and oversight of hotel/motel compliance with State
200 requirements.

201 SECTION 17. Item 7004-0108 of said section 2 of said chapter 46 of the acts of 2015 is
202 hereby amended by inserting after the words, “amounts appropriated herein,” the following
203 words:- ; provided further, that the secretary of housing and economic development may transfer
204 funds for identified deficiencies between items 7004-0101 and 7004-0108;.

205 SECTION 18. Item 8900-0011 of said section 2 of said chapter 46 is hereby amended by
206 inserting after the words, “state accounting system,” the following words:- ; and provided
207 further, that the commissioner of correction may allocate year-end net profits to the cost of the
208 drug, substance abuse and rehabilitative programming.

209 SECTION 19. Item 8900-0021 of section 2B of said chapter 46 is hereby amended, by
210 inserting after the words, “services provided by inmates,” the following words:- ; provided, that
211 the commissioner of correction may allocate year-end net profits to the cost of the drug,
212 substance abuse and rehabilitative programming.

SECTION 20. Item 1595-6368 of section 2E of said chapter 46 is hereby amended by striking out the figure, “\$365,025,340” and inserting in place thereof the following figure:- \$337,468,038.

SECTION 21. Section 151 of said chapter 46 is hereby amended by striking out the fifth and sixth sentences of subsection (a) and inserting in place thereof the following 3 sentences:- The tax amnesty program shall apply to returns due on or before December 31, 2015. In the case of taxpayers otherwise coming into compliance with tax obligations pursuant to the amnesty, unless the commissioner determines that the taxpayer has acted with fraudulent intent, the commissioner may apply limited look-back periods for unfiled returns, not to exceed 4 years. The scope of the tax amnesty program, including the particular tax types, periods covered, and the applicability of the look-back periods, shall be determined by the commissioner.

SECTION 22. Said section 151 of said chapter 46 is hereby further amended by striking out, in clause (1) of subsection (c), the words, “for any tax period beginning before January 1, 2014,” and inserting in place thereof the following words:- on or before December 31, 2015.

SECTION 23. Section 54 of chapter 119 of the acts of 2015 is hereby amended by striking out the words, “March 1,” and inserting in place thereof the following words:- November 1.

SECTION 24. Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers of surplus among items 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0640, 4000-0700, 4000-0875, 4000-0880, 4000-0885, 4000-0940, 4000-0950, 4000-0990, 4000-1400, 4000-1420 and 4000-1425 of chapter 46 of the acts of 2015, as amended,

235 for the purpose of reducing any deficiency in these items, but any such transfer shall be made not
236 later than September 1, 2016.

237 SECTION 25. The salary adjustments and other economic benefits authorized by the
238 following collective bargaining agreements shall be effective for the purposes of section 7 of
239 chapter 150E of the General Laws:

240 (1) Between the Sheriff of Essex County and the Essex County Correctional Officers
241 Association;

242 (2) Between the Commonwealth of Massachusetts and the International Association of
243 Fire Fighters Local S-28 & S-29;

244 (3) Between the Commonwealth of Massachusetts and the Massachusetts Correction
245 Officers Federated Union;

246 (4) Between the Sheriff of Worcester County and the New England Police Benevolent
247 Association, Local 550;

248 (5) Between the Sheriff of Essex County and the National Correctional Employees
249 Union, Local 123; and

250 (6) Between the Sheriff of Essex County and the Essex County Regional Emergency
251 Communication Dispatchers.